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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,183	05/14/2001	Ron J. Vandergeest	10500.00.8172	8194
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VEDDER PRICE P.C. 222 N. LASALLE STREET CHICAGO, IL 60601			EXAMINER TRUVAN, LEYNN A THANH	
			ART UNIT 2435	PAPER NUMBER
			MAIL DATE 12/09/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/855,183

**Applicant(s)**

VANDERGEEST ET AL.

**Examiner**

Leynna T. Truvan

**Art Unit**

2435

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 8-15 is/are pending in the application.  
4a) Of the above claim(s) 6, 7, 16 and 17 is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-5 and 10-15 is/are allowed.  
6) ☒ Claim(s) 8 and 9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/C)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-5 and 8-15 are pending.  
Claims 6-7 and 16-17 are cancelled.
2. Claims 8-9 remains rejected.

***Allowable Subject Matter***

3. Claims 1-5 and 10-15 are allowed over art.

***Response to Arguments***

4. Applicant's arguments filed 9/23/08 have been fully considered but they are not persuasive.

Schmitz reads on the re-transmitted authentication code since it is the same authorization number TAN being transmitted to the receiver (intermediate unit) by the authorizing computer (authentication unit) is also transmitted to the data input apparatus (1<sup>st</sup> unit) by the receiver (col.1, lines 45-63 and col.6, line 58 – col.7, line 4). Schmitz's invention discloses the authorization computer verifying the TAN that is transmitted again (returned) by the data input apparatus (1st unit) even though TAN was given to the receiver (interm. Unit) by the authorization computer (col.3, lines 30-33 and col.7, lines 5-15). Schmitz transmits the TAN and display it on the monitor which obviously is transparent to a user. Thus, the user is not entering the TAN (code) onto the monitor but rather was transmitted and displayed on the monitor (col.4, lines 1-5 and col.7, lines 61-64). Therefore, Schmitz reads on the claimed invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz (US 6,078,908).**

**As per claim 8:**

Schmitz discloses a method for providing user authentication comprising:

sending, by a first unit, user identification data to the authentication unit; [col.2, lines 58-

62 and col.6, lines 58-63; data input apparatus as the 1<sup>st</sup> unit]

receiving, by the first unit, and transparent to a user [col.4, lines 1-5 and col.7, lines 61-64;

Schmitz discloses the TAN is transmitted and displayed on the monitor which obviously is transparent to a user since the user is not entering the TAN (code) onto the monitor but rather was transmitted to the monitor], a re-transmitted authentication code, from an intermediate destination unit [col.2, lines 26-28 and col.7, lines 61-64], that was previously sent by an authentication unit to an intermediate destination unit; and [col.3, lines 1-2 and col.6, line 67 – col.7, line 3; receiver or monitor as the interm. unit.]

in response to receiving the re-transmitted authentication code from the intermediate destination unit, returning by the first unit, the authentication code to the authentication unit. [col.3, lines 29-42 and col.7, lines 5-15]

Schmitz discloses a receiver 3 or 4 is referring to the claimed intermediate unit, the authorization computer 2 refers to the claimed authentication unit, the data input apparatus is the first unit (col.4, lines 1-2), and the transaction authorization number TAN (TAN) refers to claimed authentication code (col.6, lines 57-59). The claimed re-transmitted authentication code can broadly be interpreted as the same authorization code being transmitted to different units. Accordingly, Schmitz reads on the re-transmitted authentication code since it is the same authorization number TAN being transmitted to the receiver (intermediate unit) by the authorizing computer (authentication unit) is also transmitted to the data input apparatus (1<sup>st</sup> unit) by the receiver (col.1, lines 45-63 and col.6, line 58 – col.7, line 4). Schmitz's invention discloses the authorization computer verifying the TAN that is transmitted again (returned) by the data input apparatus (1st unit) even though TAN was given to the receiver (interm. Unit) by the authorization computer (col.3, lines 30-33 and col.7, lines 5-15). This obviously suggests that the authorization computer did not send the TAN to the data input apparatus but yet it is the data input apparatus that is returning the TAN to the authorization computer. Thus, reads on the claimed in response to receiving the re-transmitted authentication code from the intermediate destination unit, returning by the first unit, the authentication code to the authentication unit. Schmitz's motivation is for the authorization computer to check and verify the congruence and agreement between all valid transaction TANs previously given out by the authorizing computer and that the authorization computer allows a release of the data flow between the data input apparatus and receiver unit after this checking of the authorization (col.3, lines 36-42). Therefore, establish a connection between the data input apparatus and the receiver unit upon valid verification (col.7, lines 5-15).

Therefore, it would have been obvious for a person of ordinary skills in the art for Schmitz to return by the first unit the re-transmitted authentication code to the authentication unit because to establish a connection between the data input apparatus and the receiver unit by verifying the congruence and agreement between all valid transaction TANs previously given out by the authorizing computer and that the authorization computer allows a release of the data flow between the data input apparatus and receiver unit after this checking of the authorization (col.3, lines 36-42 col.7, lines 5-15)

**As per claim 9:** See Schmitz on col.1, lines 45-62 and col.6, line 67 – col.7, line 3 and 38-42; discusses the step of controlling a short range receiver of the first unit to receive the re-transmitted authentication code in response to receiving notification from the authentication unit and wherein returning the authentication code to the authentication unit includes returning the authentication code in a way that is transparent to the user of the first unit.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leynna T. Truvan whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. T. T./  
Examiner, Art Unit 2435  
/Kimyen Vu/  
Supervisory Patent Examiner, Art Unit 2435